

Marin County Community Development Agency

Alex Hinds, Director

VARIANCE FACT SHEET

DEFINITION

A variance may be granted to vary or modify the strict application of the regulations or provisions contained in the Zoning Ordinance in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application. However, variances cannot be granted for relief from use limitations. Specifically, variances provide relief from standards relating to principal building height, floor area ratio, setbacks from property lines, required parcel size and width, density, and slope requirements.

All variances applications will be processed as one of the following:

- **Administrative Variances.** The director shall approve, conditionally approve or deny all variances from the provisions of this title relating to height limit variations of two feet or less, floor area ratio variations of two percent or less, and setback variations of forty percent or less. However, where significant policy questions are at issue, the application may be referred to the planning commission.
- **Public Hearing Variances.** All other variances from the provisions of this title not specifically cited in the administrative variance subsection, shall require a public hearing by the zoning administrator. However, where significant policy questions are at issue, the application may be referred to the planning commission

TIME FRAME FOR PROCESSING

Generally, action is taken on a variance within two or three weeks from the date when the application is deemed complete.

MANDATORY FINDINGS

State and Marin County laws require that in order for a variance to be granted, mandatory findings must be made which establish that: (a) special physical circumstances exist, (b) the variance will not be detrimental to public welfare or injurious to other property, (c) the variance does not constitute a special privilege; and (d) the variance does not authorize a use or activity not authorized by the particular zoning district regulations. These findings cannot be made if a reasonable alternative project design would satisfy these concerns without requiring a variance.

The variance supplemental application details these findings and provides an opportunity for you to explain how the findings apply to your project. Be sure to complete the Variance Supplemental Application as thoroughly as possible. The more information you provide, the less time it will take for staff to determine the merits of your project.

FOR FURTHER INFORMATION

- ° Visit the Marin County Planning Department Zoning Counter at the Civic Center - Room 308, San Rafael, California, Monday through Friday (closed holidays), 8:00 a.m. - 12:00 p.m. and 1:00 p.m. - 4 p.m., or call (415) 499-6269.
- ° See Marin County Zoning Ordinance, Chapter 22.86

APPLICATION PROCESS

STEP 1 PRE-APPLICATION RESEARCH - Before starting plans, call or visit the Zoning Counter for information on restrictions and other policies/regulations which may affect your project. It will save you time at the counter if you know your Assessor's Parcel Number; it can be found on your tax bill.

STEP 2 SUBMIT APPLICATION AT ZONING COUNTER - The submittal requirements for a variance are listed later in the fact sheet. Please check with the counter planner if you have any questions regarding any of these items. Incomplete or unclear applications will not be accepted for processing.

STEP 3 STAFF APPLICATION PROCESSING - A planner will be assigned to process your application. He/she will transmit your plans and any other pertinent materials to relevant public agencies, such as the Department of Public Services, Fire Department and, when applicable, to the local design review board for their review and comments.

If a design review board is to review your project, you will be notified of the person to contact and location and the tentative date of the meeting when your project will be on the agenda. Your attendance is encouraged.

STEP 4 DETERMINATION OF COMPLETENESS - The planner assigned to your project will review your application for completeness. State law requires that staff determine whether the application is complete within 30 days from submittal. You will be sent a Notice of Project Status informing you whether your application is complete or incomplete and, if incomplete, what items must be submitted before processing can begin.

STEP 5 PUBLIC NOTICE - Once it has been determined that a complete application has been submitted, a notice will be sent to the owners of all properties within 300 feet of your property. The notice will state the date, time and place for a public hearing.

STEP 6 ACTION - Your application can either be approved, approved with conditions, or denied. The County will consider any information or comments from relevant departments, agencies, design review boards and the general public.

STEP 7 APPEAL - The action is final unless an appeal is received by the Community Development Agency within five working days from the date of action. The Planning Commission will act on the appeal to sustain, modify, or overrule the previous planning director or zoning administrator action. Action taken by the Planning Commission may be appealed to the Board of Supervisors. Check at the Zoning Counter regarding applicable fees and other details of the appeal process.

VARIANCE SUBMITTAL REQUIREMENTS

1. A complete and signed Zoning/Development Application.
2. A completed Variance Supplemental Application.
3. Eight (8) copies, drawn to scale, of the following items plus a reduced set no larger than 11" x 17":
 - a. A site plan which shows:
 - name, address, and phone number of the owner of record, applicant, engineer, architect;
 - north arrow (north should be at the top of the sheet) and scale;
 - date; revised copies should be clearly indicated with a new date and marked "revised";
 - all dimensions of the property;
 - all dimensions of the existing and proposed building/addition;
 - distance of proposed structures/additions to the adjacent property line(s);
 - parking locations;
 - existing and proposed topography;
 - inundated areas, streams, culverts, drainage swales, etc.;
 - all existing and proposed easements; and
 - any other information that will explain your project. If a variance is sought for relief from established yard setbacks, show the location of the nearest structures of adjacent properties.
 - b. Building elevations including complete dimensions, exterior materials and colors.
 - c. Floor plans showing existing and proposed floor areas for each level, with complete dimensions.
 - d. A notation on your plans or elevations indicating the size of your parcel (total square feet), and when applicable, the existing and proposed building height(s) and floor area(s) of the structure/addition.
 - e. A location map showing the subject property in relation to the nearest street.
4. Filing fee (see Fee schedule).